

## **CITY COUNCIL MEETING OF THE CITY OF LEON VALLEY, TEXAS, OCTOBER 19, 2010**

The City Council of the City of Leon Valley, Texas, met on the 19<sup>TH</sup> day of October, 2010 at 7:00 p.m. at the Leon Valley City Council Chambers, at 6400 El Verde Road, Leon Valley, Texas, for the purpose of the following business, to-wit:

---

### **REGULAR CITY COUNCIL MEETING - 7:00 P.M.**

**1. Call to Order, Determine a Quorum is Present, and Pledge of Allegiance.**

Mayor Riley called the Regular City Council Meeting to order at 7:00 p.m. and asked that the minutes reflect that the following City Council members were present: Garcia, Reyna, Baldrige, Dean, and Nelson.

Boy Scouts Brett Klein, Bailey Crowley, and Andrew Markman led the assembly in the Pledge of Allegiance. Mayor Riley thanked Forrest Campbell, Boy Scout Troop Leader of the Boy Scout 911 Troop, and introduced the Boy Scouts. She indicated that she and Councilman Dean spent time with the Scouts before the meeting speaking about citizenship and community involvement.

City staff in attendance: City Manager Lambert, City Secretary Willman, City Attorney Onion, Community Development Director Flores, Economic Development Director Ryan, Fire Chief Irwin, HR Director Caldera, Library Director Trent-Miller, and Library Employee Pam Kroyer. Also in attendance: Mr. Bob Tome.

**2. Proclamation Designating the Beethoven Band as the City of Leon Valley's Official Band.**

Mayor Riley introduced Eric Fenton, Beethoven Band President, and May Kelley, Beethoven Band Librarian. Mayor Riley briefed the assembly on Council Member Nelson's initiative in getting the Beethoven Band named the City of Leon Valley's Official Band following the Grandparent's Day Concert on September 12. Mr. Fenton thanked the City Council for the appointment as the City of Leon Valley's Band.

**3. Employee of the Month Award Presentation. (Lambert)** Mr. Lambert introduced Pam Kroyer. He detailed her wonderful qualities as an employee who strives to give personalized service at the Library. Ms. Kroyer has 15 years of service as a full-time employee. She was cited for having wonderful rapport with each reader. She provides excellent service to each and every visitor to the Library. She has three daughters and six grandchildren. Ms. Kroyer thanked the City for honoring her.

**4. Citizens to be heard and time for objections to the Consent Agenda.**

Councilman Reyna asked that Consent Agenda Items 5, 9, and 11 be removed from the Consent Agenda for separate consideration.

Mr. Al Uvietta, 6923 Sunlight Drive, registered concern about the article that Councilman Reyna authored about the final AIA-SDAT visit in the Lion's Roar.

Mr. Marcus Semmelman, 5919 Rimkus Drive, addressed the City Council about the plans proposed for the development of Seneca III. He voiced concerns over the initial lack of staff awareness and involvement. He noted that despite an initial basic plan being presented that it seemed that decisions had been made about the proposed plans without staff involvement. He

## **CITY COUNCIL MEETING OF THE CITY OF LEON VALLEY, TEXAS, OCTOBER 19, 2010**

cited as problematic traffic, parking, lot sizes, and more. He further noted that the developers were asked if they would be seeking a tax abatement without a response.

Darlene Baerwald, UPS Supervisor, 6400 Seven States Boulevard, San Antonio, Texas. She indicated her UPS Center delivers to Leon Valley. She asked the City Council for permission to use street legal golf carts in residential neighborhoods to deliver packages from October 25 through December 31. She noted that deliveries will be made Monday through Friday, 10 a.m. to 6 p.m. This would eliminate truck traffic in residential neighborhoods. City Attorney Onion indicated that if the golf carts are street legal and meet all the requirements that he did not think local governmental permission is needed. Staff will check the Texas statutes.

Motion by Council Member Nelson and second by Council Member Baldrige for the approval of Consent Agenda Items 6, 7, 8, 10 and 12. Voting in favor: Garcia, Reyna, Baldrige, Nelson, and Dean. Voting against: None. Mayor Riley announced the motion carried.

### **Consent Agenda**

5. **Consider Approval of the Minutes of the Special City Council Workshop of October 4, 2010 and the Regular Council Meeting of October 4, 2010. (Willman)**

Councilman Reyna asked that the last sentence be stricken on the middle of the page on page 5 of 7. "Councilman Reyna withdrew his withdrawal" was the sentence to be stricken. Motion by Councilman Reyna and second by Councilman Garcia to approve the minutes as corrected. Voting in favor: Garcia, Reyna, Baldrige, Nelson, and Dean. Voting against: None. Mayor Riley announced the motion carried.

6. **Consider Approval of the Minutes of the Special City Council Meeting for National Night Out of October 5, 2010. (Willman)**
7. **Consider Approval of the Quarterly Investment Report for the Quarter Ended September 30, 2010. (Lambert)**
8. **Consider Approval of the Annual Investment Report for the Period of October 1, 2009 – September 30, 2010. (Lambert)**
9. **Consideration Action on M&C # 10-08-10 with Attached Resolution – a Request to Amend the City Council Rules of Conduct. (Mayor Riley)**

City Manager Lambert briefed the Council. There was discussion about what constitutes complete documentation as agenda items are prepared and reviewed, with the City Manager detailing the required elements of a complete agenda item. Discussion centered on staff's role in preparing agenda items for City Council Members who place items on the agenda. Indications are that staff function would continue with the proposed time and day change being that all documentation has to be in the City Secretary's Office by 12 noon on the Wednesday preceding the following Tuesday. Following the determination that the Mayor will honor a submission including a basic outline from City Council Members in lieu of providing complete documentation, the Council took action.

Motion by Councilman Reyna and second by Councilman Dean to approve the Council Rules of Conduct as presented. Voting in favor: Garcia, Reyna, Baldrige, Nelson, and Dean. Voting against: None. Mayor Riley announced the motion carried.

10. **Consider Action on M&C # 10-09-10 with Attached Ordinance - A Request to Amend the Leon Valley Code of Ordinances Chapter 2 "General Provisions,"**



**CITY COUNCIL MEETING OF THE CITY OF LEON VALLEY, TEXAS, OCTOBER 19, 2010**

**Section 2.401 "Official Newspaper" by Designating the Daily Commercial Recorder and The San Antonio Express News as the Official Newspapers to Publish Required Notices for the City of Leon Valley for Fiscal Year 2011 Pursuant to Local Government Code §52.004. (Willman)**

- 11. Consider Action on M&C # 10-10-10 - a Request to Approve the Use of the Leon Valley Conference Center by the Alamo Area Fire Chiefs Association Employment Testing Cooperative on October 20, 2010 for the Purpose of Firefighter Candidate Testing and Waive All Use Fees. (Irwin)**

Fire Chief Irwin briefed the City Council on the request. The City Council questioned why the Fire Chief had to come before the City Council to ask for permission on what is essentially preparation for hiring City firefighting personnel. A question was raised about preparing a policy for non-profit use. The Council engaged in spirited discussion as to whether or not a policy is needed versus approving the item before the City Council for consideration, with some Council Members indicating a preference to see requests on a case-by-case basis.

Motion by Council Member Baldrige and second by Councilman Reyna to approve the use of the Leon Valley Conference Center by the Alamo Area Fire Chiefs Association Employment Testing Cooperative. Voting in favor: Garcia, Reyna, Baldrige, Nelson, and Dean. Voting against: None. Mayor Riley announced the motion carried.

- 12. Consider Action on M&C # 10-11-10 with Attached Ordinance – a Request to Amend the Fiscal Year 2011 Budget to Provide Funding for Increased Cost in Health Insurance Premiums. (Lambert)**

**Regular Agenda**

- 13. Consider Action on M&C # 10-12-10 – a Request for the City of Leon Valley to Participate in the CPS Energy Windtricity® Program and Authorize the City Manager to Execute Any and All Documents Required to Establish the Program. (Lambert)**

City Manager Lambert briefed the Council on the Windtricity® Program. CPS Economic Development Manager Jim McAden briefed the City Council on the changes in the program and the options for participation.

Motion by Councilman Reyna and second by Councilman Dean to direct the City Manager to negotiate the appropriate contract with CPS Energy with the recommendation of \$134 per month to allow for the City of Leon Valley's participation in Windtricity® with the contract being brought back to the City Council. Voting in favor: Garcia, Reyna, Baldrige, Nelson, and Dean. Voting against: None. Mayor Riley announced the motion carried.

- 14. Consider Action on M&C # 10-13-10 Adopting Economic Development Policy. (Lambert)**

The City Manager briefed the City Council regarding the development of an Economic Development Policy. The Council provided the following changes: In the section labelled Goals in the second sentence: "to continue, retain and expand," removing the additional "and to." In the third sentence, in the phrasing "to create a strong local economy," the comma needs to be removed with the word "and" stricken. It was noted that there is no date on the document. Staff responded that a date of adoption will be added. The Council asked for changes to the



## **CITY COUNCIL MEETING OF THE CITY OF LEON VALLEY, TEXAS, OCTOBER 19, 2010**

application form, which includes the guidelines, removing wording that reflects the "LVEDC" and change all references to the Economic Development Corporation to City of Leon Valley.

Motion by Councilman Reyna and second by Council Member Nelson to adopt the Economic Development Policy with the changes addressed as well as taking the Economic Development Corporation's application and making the adjustments to reflect City Economic Development. Voting in favor: Garcia, Reyna, Baldridge, Nelson, and Dean. Voting against: None. Mayor Riley announced the motion carried.

**15. Consider Action on M&C # 10-14-10 with Attached Ordinance – a Request to Amend the Fiscal Year 2011 Budget to Authorize Payment of the Larry Little Leon Valley Town Center Project Legal Expenses Incurred to Date in the Development of a 380 Agreement. (Lambert)**

The City Manager briefed the Council on this agenda item as legal fees associated with the work towards developing a 380 Agreement. A question was raised as to how the City will recoup this and other payment of legal fees incurred to develop the 380 Agreement. It was noted that legal fees will be the first payment that the 380 Agreement faces when the rebates begin. The legal fees under consideration are \$5,472.

A question was raised as to why the City of Leon Valley is paying the legal fees versus the Leon Valley Economic Development Corporation (LVEDC) paying for the 380 Agreement. City Attorney Onion indicated the reason the City of Leon Valley is incurring the charges is because the LVEDC cannot offer the 380 Agreement. He explained this is a uniquely city type of venture in how it is set up by statute to offer sales tax and property tax grants. The LVEDC does not have the jurisdiction over the benefits the City is offering under the 380 Agreement. Other Council concerns noted were that it might take a minimum of 4 to 5 years before the City gets its money back, not including future payments required to complete the legal work.

The Council was informed that the majority of the drafting is done on the Agreement with only a review of the exhibits remaining to be done. There was some discussion about the use of the final document serving as a blueprint for future 380 Agreements and if the LVEDC is aware of the 380 Agreement in process. Both questions were answered in the affirmative.

Motion by Councilman Reyna and second by Council Member Baldridge to approve payment of the attorney fees for the 380 Agreement. Voting in favor: Garcia, Reyna, Baldridge, Nelson, and Dean. Voting against: None. Mayor Riley announced the motion carried.

**16. Consider Action on M&C # 10-15-10 – a Request to Consider Changes and/or Abolish the Trade and Market Days Event and Committee. (Lambert)**

HR Director/Staff Liaison Caldera made a presentation on the Trade and Market Days Events and Committee.

The following citizens came forward to make presentations: Al Baldridge, 6368 Parsley Hill, discussed the changes to Trade and Market Days including offering a paper analysis to the Council as to why it is time to discontinue Trade and Market Days events.

Nancy Marin, 7222 Forest Meadow, come forward to voice concurrence with Mr. Al Baldridge, indicating it might be best to table these events until the new City Center is completed.

## CITY COUNCIL MEETING OF THE CITY OF LEON VALLEY, TEXAS, OCTOBER 19, 2010

Al Uvietta, 6923 Sunlight Drive, came forward to encourage the Council to take a hard look at Trade and Market Days, indicating considerations other than discontinuing the event might be warranted once the new Town Center is available for staging.

Nita Lange, 6018 Forest Bend, and a Trade and Market Days Committee Member since 2005, discussed possible grant funding options which might be available through the City's grant writing efforts.

After extensive discussion by the City Council over the history and progress of how Trade and Market Days evolved from its beginning to its current status, the Council considered action.

Motion by Council Member Baldrige and second by Councilman Reyna to continue Trade and Market Days through its scheduled November 13 event with the possibility of restructuring some other avenue for future action that will bring economic activity. There was some question about a future event scheduled in December. Council Members Baldrige and Reyna withdrew their respective motions.

Motion by Council Member Baldrige and second by Councilman Reyna to reluctantly suspend Trade and Market Days after its November 13 event. Voting in favor: Garcia, Reyna, Baldrige, Nelson, and Dean. Voting against: None. Mayor Riley announced the motion carried.

17. **Consider Action on M&C # 10-16-10 with Attached Ordinance – a Request to Amend the Fiscal Year 2011 Budget to Fund a Traffic Engineering Study at Evers Road/Forest Meadow by Gonzalez-De La Garza & Associates, L.L.C. (Eddie De La Garza)**

City Manager Lambert briefed the Council on this agenda item as bringing back the results of his negotiation with Mr. De La Garza. The City Council was provided a listing of accident locations in the immediate and related area surrounding Evers Road. The Council discussed different options available to address the concerns originally raised during a strategic planning session in April 2010.

Al Uvietta, 6923 Sunlight Drive, encouraged the Council to consider looking a different traffic calming devices.

Nancy Marin, 7222 Forest Meadow, came forward to confirm her experience from living in the area.

Motion by Councilman Dean and second by Council Member Nelson to disallow the engineering study. Voting in favor: Reyna, Baldrige, Nelson, and Dean. Voting against: Garcia. Mayor Riley announced the motion carried.

18. **Consider Action on M&C # 10-17-10 – a Request by Diana Pendery of Texas Plastic Signs, on Behalf of Amax Auto Insurance, To Allow Variances To Chapter 14, "Zoning Ordinance, "Appendix C, "Sustainability Overlay District And Commercial And Industrial Overlay District Standards," Section. F, "Signs," To Allow 1) Monument Signage with a Masonry Base Which Does Not Match The Building, 2) Roof Signs, And 3) Window Signage Which Exceeds 10% of the Cumulative Window Area at 6526 Bandera Road. (Flores)**



## CITY COUNCIL MEETING OF THE CITY OF LEON VALLEY, TEXAS, OCTOBER 19, 2010

Community Development Director Flores briefed the City Council. Real Estate Attorney Robert Ray, 4502 Overview, Suite 200, San Antonio, addressed the City Council as Mr. Ron Ray's representative asking that consideration be given to the variance request.

Following extensive discussion by the City Council regarding the overlay requirements, the Council took action. Motion by Council Member Baldrige and second by Councilman Reyna to deny the variance request. Voting in favor: Garcia, Reyna, Baldrige, Nelson, and Dean. Voting against: None. Mayor Riley announced the motion carried.

19. **Consider Action on M&C # 10-18-10 with Attached Ordinance – a Request to Consider Amending the Leon Valley Code Of Ordinances, Chapter 2 “Animal Control,” Article 2.01 “General Provisions,” By Adding Section 2.01.016 “Animal Waste” and Providing for a Penalty of Not Less Than One Hundred Dollars (\$100) Nor More Than One Thousand Dollars (\$1,000). (Tome)**

Bob Tome briefed the City Council. Questions were raised about the fines as working with fines already established in current ordinances related to fines for other violations and general provisions of animal control.

Motion by Councilman Dean and second by Council Member Nelson to adopt the pet waste ordinance as presented. Voting in favor: Reyna, Baldrige, Nelson, and Dean. Voting against: Garcia. Mayor Riley announced the motion carried.

### Discussion Agenda

20. **City Manager's Report. (Lambert)**  
A. **Monthly Financial Statement for September 2010.**  
B. **Departmental Monthly Reports.**  
C. **Status Report on Vacant Economic Development Corporation Board Director (Dr. Milmo).** The City Manager shared a tentative schedule for a replacement without calling a special meeting.  
D. **Veterans Day Holiday Closing, Thursday, November 11, 2010.**
21. **Citizens to be heard.** Community Development Director Flores introduced George Herrera, new business owner coming to a location at 6555 Bandera Road. Mr. Herrera made brief comments to the Council indicating how gratified the business owner of the grill and bar is to be doing business in and with the City of Leon Valley.
- Mr. Al Baldrige, 6368 Parsley Hill, Leon Valley, addressed the City Council to thank Mayor Riley and Economic Development Director Ryan for their collective work in bringing the AIA-SDAT back to Leon Valley.
22. **Announcements by Council Members and Mayor.**  
*At this time, reports about items of community interest regarding which no action will be taken may be given to the public as per Chapter 551.0415 of the Government Code, such as: expressions of thanks, congratulations or condolence, information regarding holiday schedules, reminders of social, ceremonial, or community events organized or sponsored by the governing body or that was or will be attended by a member of the Leon Valley Council or a City official.*

## **CITY COUNCIL MEETING OF THE CITY OF LEON VALLEY, TEXAS, OCTOBER 19, 2010**

Mayor Riley announced that she and Fire Chief Irwin attended a celebration at the Discovery School to receive a donation in the amount of \$2,500 to purchase 500 smoke detectors with the money being raised by the school students.

Council Member Nelson invited everyone to come out to the last Trade and Market Days event on November 13.

Council Member Baldrige thanked those who attended the Leon Valley Historical Society Fall Fiesta fundraiser.

Councilman Reyna invited those attending TML to the Resolutions Committee meeting on Tuesday, October 26 beginning at 2 p.m. He also shared a magazine published by the City of Schertz which is paid for by hotel occupancy tax funds.

Councilman Garcia announced that he received a scholarship to the National Association of Latino Elected and Appointed Officials National Institute for Newly Elected Officials in Washington, D.C., November 18 – 21.

Mayor Riley thanked Economic Development Director Ryan for the beautiful work done on the Conference Center.

### **Community Events:**

- **Next City Council Meeting is on Monday, November 1, 2010, to allow for the use of the City Hall in the November General Elections on November 2. (Mayor Riley)**
- **Friends of the Leon Valley Public Library Big Fall Book Sale, October 21-22-23, 2010, 10 a.m. – 6 p.m. Library Annex located at 6500 Evers Road at Poss Road.**
- **Bandera Road Site – Citizens Advisory Group (CAG) Meeting, Thursday, October 28 at 5:30 p.m. at City Hall. (Mayor Riley)**
- **Los Leones, Saturday, October 30, 2010, 8:30 a.m. – 2 p.m., Leon Valley Conference and Community Center. (Mayor Riley)**
- **City Park Commission Meeting, Monday, November 8, 2010 at 7 p.m. in the City Council Chambers, Special Presentation: Green Infrastructure by Marita Roos, RLA, LEED. (Mayor Riley)**
- **Arbor Day, Saturday, November 13, 2010, 9 a.m.-12 Noon, 6421 Evers Road. (Mayor Riley)**

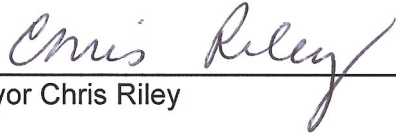
### **23. Executive Session in Accordance with the Texas Government Code.**

The City Council of the City of Leon Valley reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on the posted agenda, above, as authorized by the Texas Government Code Sections 551.071 (consultation with attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations, 551.074 (personnel matters), 551.076 (deliberations about security devices), and 551.086 (economic development).

There was no Executive Session.

**CITY COUNCIL MEETING OF THE CITY OF LEON VALLEY, TEXAS, OCTOBER 19, 2010**

24. **Adjourn.** Motion for adjournment at 10:25 p.m. by Councilman Dean and second by Councilman Garcia.

  
\_\_\_\_\_  
Mayor Chris Riley

ATTEST:

  
\_\_\_\_\_  
Janie Willman, City Secretary

